


Independent Police Review Authority

31 July 2013
Log #1045668
U#11-23

TO: Acting Chief Administrator 
Independent Police Review Authority

FROM: Inv. Michael Goldston, #109

SUBJECT: LOG #1045668 / U# 11-23

REFERENCE: RD #HT314562/Robbery Armed – Handgun
RD #HT317860/Homicide – Justifiable Homicide

OFFICER #1 INVOLVED: MARK, Joseph, Sergeant of Police, Star 2082, PA/M, Unit 003,
Employee No. [REDACTED] DOB: [REDACTED] DOA: 28SEP98,
On duty, In Uniform.

OFFICER #2 INVOLVED: UCHMAN, Roxane, Sergeant of Police, Star 2236, H/F, Unit 003,
Employee No. [REDACTED], DOB: [REDACTED], DOA: 02AUG99,
On Duty, In Uniform.
[DID NOT DISCHARGE WEAPON]

OFFICER #1 INJURIES: None reported.

OFFICER #2 INJURIES: None reported.

SUBJECT: [REDACTED] B/M, DOB: [REDACTED], [REDACTED],
Chicago, IR # [REDACTED].

SUBJECT'S INJURIES: Gunshot wound (GSW), upper left back, lodged.
DECEASED

INITIAL INCIDENT: Armed Robbery

DATE/TIME/ LOCATION OF INCIDENT: 25 May 2011/1958 Hours/[REDACTED] Street.

SUMMARY OF INCIDENT:

Sergeant Joseph Mark, #2082, Beat 340, and Sergeant Roxane Uchman, #2236, Beat 330, were working together in a marked vehicle. Sergeant Uchman was driving and Sergeant Mark was in the front passenger seat. They were in the vicinity of 70th & Stony Island Avenue (1600E) when they monitored a radio call of a robbery that had just occurred at 70th & Creiger (1800E). As they responded to the scene, they were flagged down by a black male¹ in a vehicle who told the sergeants that two males had just robbed him, and pointed at two individuals² walking in the opposite direction. A description of the offenders was given during the radio call; [REDACTED] and [REDACTED] matched the description. The sergeants stopped their vehicle and got out with their weapons drawn. They announced their office and ordered [REDACTED] and [REDACTED] to stop. [REDACTED] began to slow down and was stopping. Sergeant Mark followed [REDACTED] who began to walk faster. As Sergeant Mark attempted to catch up with [REDACTED] turned toward him and drew a handgun from his waistband, and started to turn toward Sergeant Mark with the weapon. Sergeant Mark fired one round, striking [REDACTED] in the upper left back/shoulder. [REDACTED] collapsed to the ground, appearing to toss his weapon over some hedges as he did. [REDACTED] ran, and Sergeant Uchman returned to the squad car and pursued him. She located him in some bushes at 68th & Bennett (1900E) and took him into custody. Sergeant Mark requested medical attention for [REDACTED] and made notifications. [REDACTED] weapon was recovered by an assist unit.

¹ Now know as Anton [REDACTED].

² Now know as the Subject, [REDACTED] and [REDACTED]

INVESTIGATION:

General Offense Case Report HT-314-562 identifies the parties involved in the incident and refers the reader to a Supplementary Report under the same RD number for details, (Att. 8)

A **Case Supplementary Report** for RD #HT-314-562 identifies the parties involved in the incident and notification information. It refers the reader to the Justifiable Homicide Cleared and Closed Case Supplemental Report [sic] recorded under RD number HT-317-860 for details. (Att. 70)

A **Case Supplementary Report for RD #HT-317-752**, completed by Detective John Otto, #20882 and other Area 2 Homicide detectives indicates they were assigned to investigate an Armed Robbery at 1929 East 69th Street that resulted in an Officer Involved Shooting with the offender at Northwestern Memorial Hospital in critical condition with a single gunshot wound. Upon arrival, the detectives learned that there were two additional crime scenes: the location of the Armed Robbery, and the location at which proceeds from the robbery were recovered. The detectives noted blood on the sidewalk at 6900 South Euclid Avenue (1932E) and a blue steel handgun in the grass on the east side of the residence. A single .45 shell casing was located in the grass on the north side of the residence.

The detectives interviewed Sergeant Mark, who related basically the same account of the incident as that in the Summary of Incident. In the interview with detectives, Sergeant Mark related that he and Sergeant Uchman were flagged down by a concerned citizen, [REDACTED] who pointed out [REDACTED] and [REDACTED]

The detectives interviewed Sergeant Uchman, who related basically the same account of the incident as that in the Summary of Incident. She indicated that as Sergeant Mark approached [REDACTED] and she approached [REDACTED] she heard one gunshot. Sergeant Uchman looked toward Sergeant Mark and observed [REDACTED] on the ground. When Sergeant Uchman took [REDACTED] into custody at 68th & Bennett, he told her that he had thrown some things as he ran. During a protective pat down search, Sergeant Uchman found an iPod in [REDACTED] pocket.

The detectives interviewed a "PO Ameen"³ who related that when he responded to the shooting scene, he located a gun 8-10 feet south of [REDACTED] who was still lying on the ground. PO Ameen guarded the weapon until Crime Laboratory personnel recovered it during their processing of the scene.

The detectives interviewed [REDACTED] who indicated that he observed the robbery, with [REDACTED] pointing a handgun at Mr. [REDACTED]'s face. Mr. Powell watched

³ There is no other reference to a PO Ameen in any police reports; the 'Personnel Assigned' Section of the Supplementary Report for RD #HT-317-860 (Attachment 74) identifies a "PO A. Mustafa, #16130". An Alpha/Star Query search identified that officer as Officer Ameen Mustafa.

██████████ and ██████████ leave, and then called 911. He then followed them in his vehicle and flagged down the sergeants and told them about the robbery and that ██████████ had a gun. Mr. Powell then followed the sergeants at a distance because he was curious and heard Sergeant Mark say "stop police." ██████████ slowed down and ██████████ kept walking. Sergeant Mark repeated his order, and ██████████ reached down, and turned toward Sergeant Mark. Sergeant Mark shot ██████████ one time and he fell to the ground. Mr. Powell could not see what was in ██████████ hands because ██████████ back was toward him.

The detectives interviewed ██████████ who stated that he and ██████████ needed money and committed a robbery. He said that ██████████ had the gun and ██████████ went through the victim's pockets, taking his iPod, cell phone, and wallet. ██████████ then stated that the police chased him and placed him in custody. He identified ██████████ as the victim of the robbery and ██████████ as his co-offender, from photographs.

The detectives interviewed ██████████ who stated that he had been talking on the phone with Mr. ██████████ when Mr. ██████████ stopped talking. Approximately 15 minutes later, Mr. ██████████ called Mr. ██████████ back and told him that he had been robbed and that was why the phone went dead. (Att. 74)

A **Supplementary Report** recorded under RD #HT-314-562 completed by Officer Christine Calace, #11149, Unit 003, indicates that at the location of ██████████ apprehension, and after being advised of his Miranda Rights, ██████████ told her where he had thrown proceeds from the robbery. (Att. 13)

Sergeant Mark's Tactical Response Report⁴ identified ██████████ as the subject. ██████████ actions are indicated as "Did Not Follow Verbal Direction", "Fled", "Imminent Threat of Battery", "Pointed Handgun at [Sergeant Mark], and "Uses Force Likely to Cause Death or Great Bodily Harm/Weapon." The report also indicates that ██████████ pointed a Taurus 9mm semi-automatic handgun at Sergeant Mark. The Weapon Discharge Incident section of the TRR indicates that Sergeant Mark fired one shot and that Sergeant Mark fired the first shot. The distance between Sergeant Mark and ██████████ when the first shot was fired is indicated as 05-10 feet. That section of the report also indicates that Sergeant Mark was standing at the time he fired, that he used his sights, and that he had no protective cover.

The Watch Commander/OCIC Review section of the TRR indicates that ██████████ was DOA, and that the preliminary determination was that Sergeant Mark was in compliance with Chicago Police Department guidelines in the use of Deadly Force. (Att. 11)

⁴ TRR

According to the **Officer's Battery Report**⁵, Sergeant Mark was on duty, in uniform, and working with one partner in a squad car. The Type of Activity was, "Other."

Sergeant Mark was not injured as a result of the incident. The Manner of Attack was "Other" and Type of Weapon/Threat was "Firearm." The weather was clear with an approximate temperature of 58 degrees. It was not known if [REDACTED] actions were drug or gang related. Att. 12)

[REDACTED] **Arrest Report** indicates he was taken into custody after being an active participant in an Armed Robbery that resulted in an Aggravated Assault of a Police Officer and his co-offender being shot and killed. [REDACTED] was charged with Armed Robbery and First Degree Murder. (Att. 9)

A **Request for In-Car Camera video** yielded negative results. (Att. 35, 57)

A **canvass** conducted by IPRA resulted in no additional witnesses. (Att. 7)

IPRA personnel identified an individual named [REDACTED] who informed them that he did not witness the shooting, but he received numerous calls from two friends, "Chris" and "Greg" who told him that one of them had a gun and that they were going to commit a robbery. While on the phone with the two, [REDACTED] heard a gunshot. (Att. 6)

IPRA efforts to interview [REDACTED] and [REDACTED] (identified from OEMC records) were unsuccessful. (Att. 78)

IPRA efforts to interview [REDACTED] were unsuccessful. (Att. 82, 86)

Wireless telephone records did not show any calls between the offenders and [REDACTED] during the time of the robbery/shooting. (Att. 26, 27)

Office of Emergency Management & Communications (OEMC) traffic includes call to 911 and CPD transmissions. Under Event Number 1114515205, the shooting of [REDACTED] and apprehension of [REDACTED] are documented. (Att. 15)

The **Crime Scene Processing Reports** indicate that units from the Mobile Crime Lab processed the three scenes, and took line-up photographs that included [REDACTED] (Att. 50, 51, 53)

The **Mobile Crime Lab photographs and Crime Scene video** depict the scenes, recovered evidence, [REDACTED] and the location at which [REDACTED] weapon was recovered; they also depict the gunshot wound to [REDACTED] upper left back. (Att. 52)

⁵ OBR

The **Chicago Fire Department Ambulance Run Sheet** indicates that the paramedics found [REDACTED] with a gunshot wound, and that he was unresponsive and not breathing. He was transported to the hospital, and efforts to resuscitate him en route were unsuccessful. (Att. 37)

Medical Records for [REDACTED] indicate that he was received with a single gunshot wound to his left back. Efforts by the medical staff revealed a hematoma around [REDACTED] heart. He displayed no vital signs, and did not respond to attempts to resuscitate him. [REDACTED] was pronounced dead at 2040 hours by Doctor George T. Chiampas, MD. (Att. 60)

The **Report of Postmortem Examination** for [REDACTED] indicates that he had a single gunshot wound of entrance on his left upper back. There was no evidence of close range firing. The wound caused extensive internal damage, with the fired bullet lodging in the inner chest wall. [REDACTED] had a number of minor abrasions about his head and body. The cause of death was determined to be Gunshot Wound to the Back, and the manner, Homicide. The postmortem examination was performed by Assistant Medical Examiner (AME) James Filkins, MD, JD. (Att. 41)

In a **meeting with AME Filkins**, he stated that it is not uncommon for there to be no evidence of close range firing around a gunshot wound of entrance if the bullet passed through any intermediate target(s) prior to entering the body. He indicated that such targets include clothing, glass, vehicle doors, etc. (Att. 47)

Medical Examiner's photographs depict [REDACTED] clothing, gunshot wound and internal examination, to include his injuries resulting from the fired bullet. (Att. 42)

A report from the Illinois State Police, Division of Forensic Services, dated 30 June 2011, indicates that Sergeant Mark's weapon was examined, found to be in firing condition, and test fired. A fired bullet recovered from [REDACTED] body was determined to have been fired from Sergeant Marks' weapon. Examination of [REDACTED] white sweatshirt revealed a bullet hole and residue consistent with a shot fired from greater than one inch, but less than one foot. (Att.36)

A report from the Illinois State Police, Division of Forensic Services, dated 27 June 2012, indicates that [REDACTED] pistol and cartridge casings yielded no latent fingerprints suitable for comparison. The pistol magazine submitted with the above yielded latent prints suitable for comparison. Comparison to the fingerprint cards for [REDACTED] and [REDACTED] did not reveal an identification. (Att. 75)

A report from the Illinois State Police, Division of Forensic Services, dated 03 October 2012, indicates that [REDACTED] weapon was examined, found to be in firing condition, and test fired. Unfired rounds of ammunition were examined for caliber and

type. [REDACTED] weapon was determined to be the same weapon that fired bullets recovered in an unrelated incident in 2011. (Att. 76)

A report from the Illinois State Police, Division of Forensic Services, dated 29 May 2013, reiterates the information that [REDACTED] and [REDACTED] prints were not identified as the same as those lifted from the magazine recovered with [REDACTED] weapon. (Att. 77)

In a **statement with IPRA on 26 May 2011, Sergeant Mark** related basically the same account of the incident as that which appears in the Summary of Incident. He indicated that [REDACTED] was walking away from him, and then reached into his left waistband and removed the handgun with his left hand. [REDACTED] was looking back at Sergeant Mark and began to turn toward him with the gun in his hand. It was at that time, fearing for his life, that Sergeant Mark fired once at [REDACTED] striking him in the left rear shoulder area. (Att. 39)

In a **supplemental statement** with IPRA on 16 July 2013, Sergeant Mark indicated that he had reviewed his original statement, given on 26 May 2011, both the digital recording and the transcript. He stated that there were no differences of substance between the recording and the transcript, and that the information was still true and accurate to the best of his knowledge. Sergeant Mark stated that at the time he fired his weapon, his torso was approximately eight feet from [REDACTED] torso and that he was closing the distance between himself and [REDACTED]. According to Sergeant Mark, he had his right arm extended when he fired and that the muzzle of his weapon was approximately 1 to 2 feet from [REDACTED] body when he fired. (Att. 81)

In a **statement with IPRA on 26 May 2011, Sergeant Uchman** related basically the same account of the incident as that which appears in the Summary of Incident. She related that her attention was focused on [REDACTED] because Sergeant Mark was focused on [REDACTED]. When she heard the shot, she looked toward Sergeant Mark and [REDACTED]. Sergeant Uchman saw what she described as "like a dirt mark", "like circular in shape" on the back of [REDACTED] sweatshirt in the back area of the left shoulder. She did not see [REDACTED] in possession of a weapon.

CONCLUSION AND FINDINGS:

This investigation found that the use of deadly force by was in compliance with Chicago Police Department policy and Illinois State Statutes. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or to another person, or;
 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. Otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Sergeant Mark and Sergeant Uchman were responding to a call of an Armed Robbery. Upon their arrival, they attempted to stop [REDACTED] and [REDACTED]. While [REDACTED] stopped, [REDACTED] continued to walk away from the sergeants. As Sergeant Mark attempted to catch up with [REDACTED], [REDACTED] pulled a handgun from his waistband and started to turn toward Sergeant Mark. At that time, fearing for his life, Sergeant Mark fired once, striking [REDACTED] in his upper left back as he turned. While there is some question to the exact distance between Sergeant Mark and [REDACTED] when Sergeant Mark fired, his account is corroborated by Mr. Powell the independent witness, who saw [REDACTED] reach down and start to turn toward Sergeant Mark. In addition to the victim, Mr. [REDACTED]'s identification, [REDACTED] admitted to detectives that he and [REDACTED] committed the robbery and that [REDACTED] had a weapon. The weapon was recovered.

DATE INITIATED: 25 May 2011

DATE COMPLETED: 31 July 2013

ELAPSED TIME: 789 Days



Investigator ~~Michael~~ Goldston, #109



Supervisor Patrick Querfurth, #12



Acting Chief Administrator Scott Ando